

## REMARKS

In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

### REJECTION UNDER 35 U.S.C. § 103

The Examiner has rejected claims 27, 29-40, and 42-45 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,941,105 to Rowley et al. in view of Official Notice; and has rejected claims 28, 41, and 46 under 35 U.S.C. §103(a) as allegedly being unpatentable over Rowley and the Official Notice, and in view of U.S. Patent Application Publication No. 2002/0103882 to Johnston et al..

Applicants do not necessarily agree with the Examiner's invocation of Official Notice with respect to the pending claims. Nonetheless, even if the invocation of Official Notice were accurate (though Applicants do not concede this), the rejection is improper for *at least* the reason that Rowley et al. is disqualified as prior art against Applicants' claimed invention under 35 U.S.C. 103(c).

Rowley et al. only qualifies as prior art under 35 U.S.C. §102(e). Applicants respectfully submit that under 35 U.S.C. §103(c), Rowley et al. cannot be used as prior art, because at the time the invention was made, the subject matter of Rowley et al. and the present claimed invention were commonly owned by Novell, Inc. (*See*, 35 U.S.C. §103(c) and MPEP §2146.) Moreover, Applicants of the instant application and Rowley et al. were under an obligation to assign the present application and Rowley et al., respectively, to Novell, Inc. The instant application is assigned to Novell, Inc. by way of assignment recorded on May 16, 2002, at reel 012901, frame 0562. Rowley et al. is assigned to Novell, Inc. by way of assignment recorded on May 16, 2002, at reel 012901, frame 0525. A copy of the Notice of Recordation for the instant application and Rowley et al. is enclosed for the Examiner's information.

For at least the above-mentioned reasons, the rejection under 35 U.S.C. §103(a) is improper and should be withdrawn.

## CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: September 24, 2008

Respectfully submitted,

By:



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**Total Assignments: 1****Patent #:** 6941105**Issue Dt:** 09/06/2005**Application #:** 10060345**Filing Dt:** 02/01/2002**Inventors:** David Dean Rowley, Jeffrey Alan Fischer, Thomas Keoki Christensen, Keith Lars Jenkins et al**Title:** SYSTEM AND METHOD TO REDUCE THE TIME AND COMPLEXITY OF INFORMATION TECHNOLOGY CLASSROOM SETUP**Assignment: 1****Reel/Frame:** 012901/0525**Recorded:** 05/16/2002**Pages:** 9**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** ROWLEY, DAVID DEAN**Exec Dt:** 05/06/2002FISCHER, JEFFREY ALAN**Exec Dt:** 05/10/2002CHRISTENSEN, THOMAS KEOKI**Exec Dt:** 05/10/2002JENKINS, KEITH LARS**Exec Dt:** 05/06/2002JENKINS, CRAIG RALPH**Exec Dt:** 05/03/2002GALE, SEAN DANIEL**Exec Dt:** 05/06/2002**Assignee:** NOVELL, INC.

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		<b>Title:</b> System and method for distance learning		

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